

REMARKS

This application has been reviewed carefully in view of the Office Action mailed February 6, 2003. In that Office Action, the drawings were objected to under 37 C.F.R. 1.83(a), as allegedly not showing every feature of the invention specified in the claims. Claim 19 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as his invention. Claims 1-3, 14-18 and 25 were rejected under 35 U.S.C. § 102(e), as allegedly anticipated by the Kermaani et al. patent, U.S. Patent No. 6,101,094. Claims 1 and 14-16 were rejected under 35 U.S.C. § 102(b), as allegedly anticipated by the Theroux et al. patent, U.S. Patent No. 5,381,304, by the Kudo patent, U.S. Patent No. 4,707,763, and by the Santilli et al. patent, U.S. Patent No. 5,403,973. Claims 1, 8, 14-16 and 23 were rejected under 35 U.S.C. § 102(b), as allegedly anticipated by the Galyon et al. patent, U.S. Patent No. 5,812,372. Claims 9 and 24 were rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over the Galyon et al. patent.

Applicants note with appreciation that claims 4-7, 10-13 and 19-22 were acknowledged to be allowable over the references of record if rewritten in independent form.

Applicants note that many of the claims have now been amended to better define the scope of applicants invention. Also, new claims 26-46 have been added to the application. These amendments do not relate to patentability.

The objections and rejections are addressed as follows:

1. OBJECTION TO THE DRAWINGS

Applicants have amended FIG. 7 to comply with cited C.F.R. section. In particular, Applicants have added the claim features noted in the objection. No new matter has been added to the application with this amendment.

2. REJECTION UNDER 35 U.S.C. § 112

In better claiming the invention, Applicants have amended claim 19, and as a result have removed the feature recited in the § 112 rejection of claim 19. In light of this amendment, Applicants respectfully request the Examiner to withdraw the § 112 rejection of claim 19.

3. REJECTIONS UNDER 35 U.S.C. §§ 102 & 103

Independent claims 1, 14, 15, 16 and 25 were rejected over various combinations of the cited art. Dependent claims 2-3, 8-9, 17-18 and 23-24 were also rejected over various combinations of the cited art. Claims 4 and its dependent claims 5-7, claim 10 and its dependent claims 11-13, and claim 19 and its dependent claims 20-22, were objected to as allowable if rewritten in independent form.

Formerly independent claim 15 is now significantly amended, and now depends from claim 14. Independent claim 25 has been canceled.

Claims 1 and 14 were amended to include certain novel aspects of objected-to claims 4 and 10. Claim 16 was amended to include similar novel aspects of objected-to claim 19.

More particularly, claims 1 and 16 recite "an actuator configured to actuate the thermal conduit into thermal contact, via the layer, with the first and second heat sources." Claim 14 recites a similar feature. These features are neither disclosed nor suggested by the cited art. Applicants respectfully request the allowance of claims 1, 14 and 16.

Claims 2-13 depend from now-allowable claim 1. Claim 15 now depends from now-allowable claim 14. Claims 17-24 depend from now-allowable claim 16. Applicants respectfully request the allowance of claims 2-13, 15 and 17-24.

5 **4. NEW CLAIMS**

Applicants have added new claims 26-46 to the application. These claims identify further patentable aspects of the invention. Applicants respectfully request the allowance of claims 26-46.

10 **5. CONCLUSION**

In view of the foregoing, a timely Notice of Allowance is requested in this case.

Respectfully submitted,

Bash et al.

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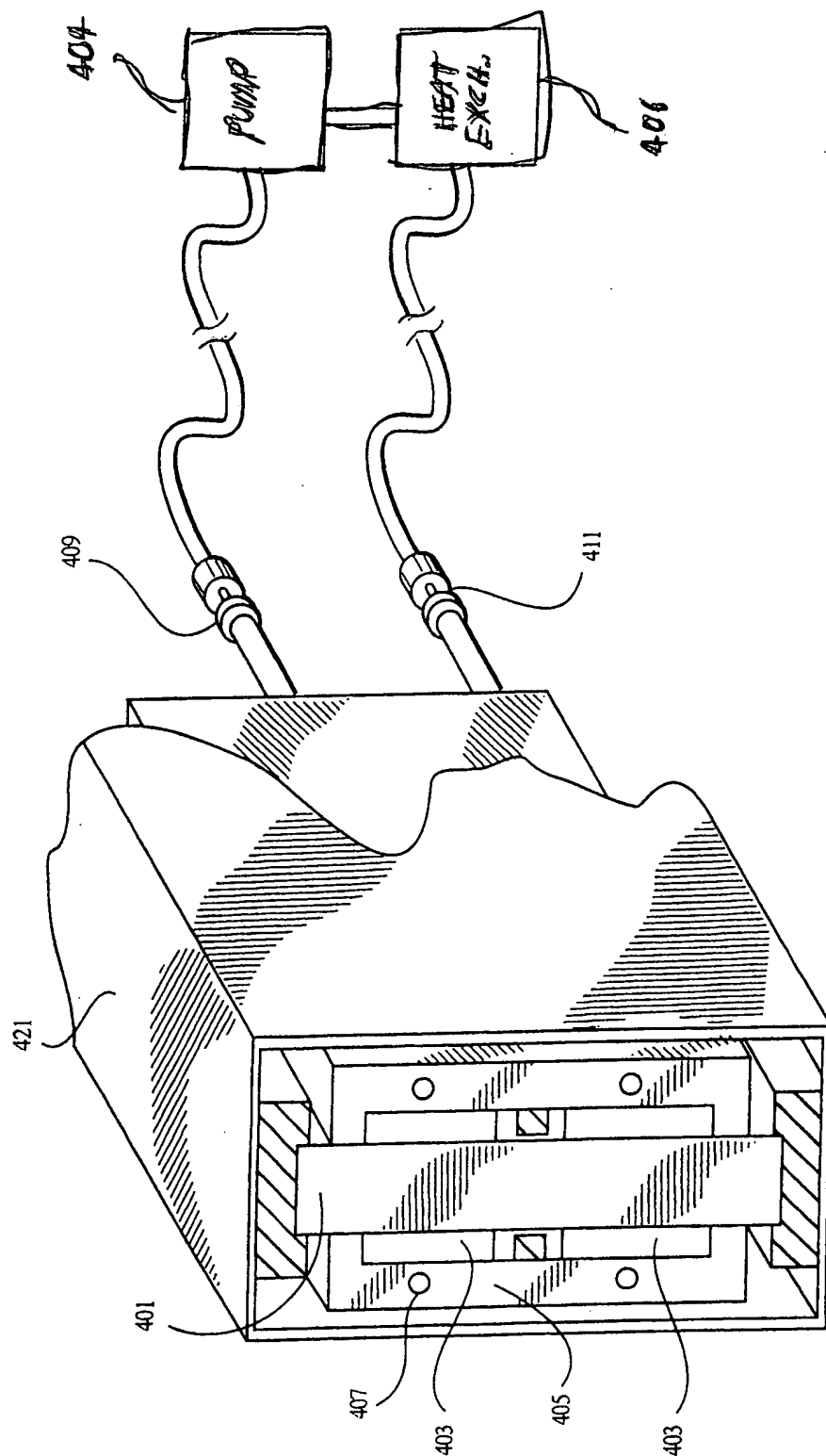


FIG. 7